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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/182,875	10/30/1998	MANABU HYODO	0879-0217P	2496

7590 07/14/2005

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EXAMINER

WHIPKEY, JASON T

ART UNIT PAPER NUMBER

2612

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/182,875

**Applicant(s)**

HYODO ET AL.

**Examiner**

Jason T. Whipkey

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-33 and 36-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 36-38 is/are rejected.
- 7) ☒ Claim(s) 30-33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 1998 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed March 15, 2005, have been fully considered but they are not persuasive.

On pages 19-20 of the remarks, Applicant argues that “the teachings of Terashita ’695 are insufficient to cure the deficiencies of the teachings of Terashita ’643. The teachings the Examiner is relying upon in Terashita ’695 provide for determining a principal subject at the time of printing.”

While Applicant is correct in noting that Terashita ’695 discloses identifying a principal subject at the time of printing instead of the time of photographing, Applicant fails to consider that Terashita ’463 discloses the determination of a principal subject at the time of photographing. Terashita ’695 is provided merely to establish that one of ordinary skill in the art of image processing at the time the invention was made would find it obvious to identify a principal subject in an image by touching the image of the principal subject. The fact that Terashita ’695 discloses performing such a determination at the time of printing is immaterial to the issue at hand.

In response to Applicant's argument that one “would not have been motivated to combine the teachings of Terashita ’695, namely, touch panel sensor 80 of the color printer, with the teachings of Terashita ’643, namely, automatic determining of the principle [sic] image for autofocusing”, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed

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invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The same argument applies to the combination of Terashita '463 and Suzuki.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 6, 8, 13, 19-21, 28, 29, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita (U.S. Patent No. 5,369,463) in view of Suzuki (Japanese Patent Application Publication No. 09-116792) and further in view of Terashita (U.S. Patent No. 4,769,695).

Regarding **claim 1**, Terashita '463 discloses a camera (see Figure 8) for recording a captured image on a recording medium (photographic film 19 or a floppy disk; see column 14, lines 19-21) in accordance with an instruction from a recording instruction device (shutter driving mechanism 18 [omitted from Figure 8 but inherently present and shown in Figure 1; see column 4, lines 22-29] or the floppy disk control circuitry inherently necessary for writing to a floppy disk), the camera comprising:

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an imaging part provided with an imaging optical system (taking lens 10) and an imaging device (imaging frame 19a or the image sensor inherently present in an electronic still camera); and

an image capturing device for capturing an image captured by the image capturing device (the storage means inherently present in an electronic still camera);

a principal subject position recorder (bar code recording head 18 or the floppy disk head inherently necessary for writing to a floppy disk) for recording, on the recording medium, principal subject positional information representing the position of the determined principal subject in the captured image (see column 8, lines 37-45, or, in the case of the electronic still camera, column 14, lines 19-21) when the captured image is recorded on the recording medium in accordance with the instruction from the recording instruction device (see column 9, lines 23-26), wherein a still image is recorded on the recording medium, with the positional information of the principal subject, after the principal subject is determined (as described in column 8, line 46, through column 9, line 26, the principal subject is determined when the shutter button is pressed halfway, followed by the actual image capture, which occurs when the shutter button is pressed fully).

Terashita '463 is silent with regard to including a display and a touch panel covering the display.

Suzuki discloses:

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a display part (display device 6 shown in Drawing 1) for showing an image capturing device (see page 5, lines 18-20);

a touch panel provided over the display part (touch panel 7; see page 5, lines 42-46);

a positional information acquiring device (input position detector 24) for determining a touched portion of the touch panel (see page 5, lines 29-30);

When using a touch panel positioned over a display screen, a user may directly choose an area in a live image with his or her finger as opposed to using an indirect method of selection, such as moving the camera or using a joystick. This is advantageous because a more precise area may be defined by the user. For this reason, it would have been obvious at the time of invention to have Terashita's camera include a touch panel positioned over a display screen.

Although the camera disclosed in Terashita's '463 patent includes the capability of finding a principal subject (see column 8, lines 27-45, for example), both Terashita '463 and Suzuki are silent with regard to finding a principal subject in accordance with a determined touched portion.

Terashita '695 discloses an image capturing and reproducing device, including:

a principal subject determining device (microcomputer 43, shown generally in Figure 1 and in detail in Figure 3) for determining a principal subject (see column 7, lines 1-5) in the captured image shown on the display part in accordance with the determined touched portion (the user touches a touch panel 80 [see Figure 8] covering a display of the captured image).

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When using a touch panel positioned over a display screen, a user may directly choose an area in a live image with his or her finger as opposed to using an indirect method of selection, such as moving the camera or using a joystick. This is advantageous because a more precise area may be defined by the user. For this reason, it would have been obvious at the time of invention to have camera disclosed in Terashita '463 include a touch panel positioned over a display screen.

Regarding **claims 3 and 8**, Terashita '463 discloses:

an auto-focus device (autofocus control circuit 100) for focusing the imaging optical system (taking lens 10) on the determined principal subject (see column 9, lines 12-17).

Regarding **claim 6**, Terashita '463 discloses, as shown in Figure 8:

an imaging part provided with an imaging optical system (taking lens 10) and an imaging device (the image sensor inherently present in an electronic still camera; see column 14, lines 19-21);

a recording instruction device (the floppy disk control circuitry inherently necessary for writing to a floppy disk; see *id.*);

a recording part for recording (the floppy disk drive inherently necessary for writing to a floppy disk), in a memory (the floppy disk; see *id.*), an image captured by the imaging part in accordance with an instruction from the recording instruction device (image data is written to disk; see column 14, lines 20-21);

a principal subject position recorder for recording (the floppy disk drive inherently necessary for writing to a floppy disk), on the recording medium (the

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floppy disk), principal subject positional information representing the position of the determined principal subject in the captured image as well as image data representing the captured image when the captured image is recorded on the recording medium in accordance with the instruction from the recording instruction device (see column 14, lines 19-21).

wherein a still image captured by the imaging part is recorded on the recording medium, with the positional information of the principal subject, after the principal subject is determined (as described in column 8, line 46, through column 9, line 26, the principal subject is determined when the shutter button is pressed halfway, followed by the actual image capture, which occurs when the shutter button is pressed fully).

Terashita '463 is silent with regard to including a display and a touch panel covering the display.

Suzuki discloses:

a display part (display device 6 shown in Drawing 1) for showing an image captured by the imaging part (see page 5, lines 18-20);

a touch panel provided over the display part (touch panel 7; see page 5, lines 42-46);

a positional information acquiring device (input position detector 24) for determining a touched portion of the touch panel (see page 5, lines 29-30).

When using a touch panel positioned over a display screen, a user may directly choose an area in a live image with his or her finger as opposed to using an indirect method of selection,



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such as moving the camera or using a joystick. This is advantageous because a more precise area may be defined by the user. For this reason, it would have been obvious at the time of invention to have Terashita's camera include a touch panel positioned over a display screen.

Although the camera disclosed in Terashita's '463 patent includes the capability of finding a principal subject (see column 8, lines 27-45, for example), both Terashita '463 and Suzuki are silent with regard to finding a principal subject in accordance with a determined touched portion.

Terashita '695 discloses an image capturing and reproducing device, including:

a principal subject determining device (microcomputer 43, shown generally in Figure 1 and in detail in Figure 3) for determining a principal subject (see column 7, lines 1-5) in the captured image shown on the display part in accordance with the determined touched portion (the user touches a touch panel 80 [see Figure 8] covering a display of the captured image).

When using a touch panel positioned over a display screen, a user may directly choose an area in a live image with his or her finger as opposed to using an indirect method of selection, such as moving the camera or using a joystick. This is advantageous because a more precise area may be defined by the user. For this reason, it would have been obvious at the time of invention to have camera disclosed in Terashita '463 include a touch panel positioned over a display screen.

Regarding **claim 13**, Terashita '463 discloses a printing apparatus for printing the image recorded on the recording medium, comprising:

an image tone correcting device for performing a predetermined image tone correction for the principal subject during reproduction of the recorded image in accordance with the recorded principal subject positional information (see column 14, lines 21-25 and 32-36).

Regarding **claim 19**, Terashita '463 discloses:

A camera (see Figure 8) for recording a captured image on a recording medium (photographic film 19 or a floppy disk; see column 14, lines 19-21) in accordance with an instruction from a recording instruction device (shutter driving mechanism 18 [omitted from Figure 8 but inherently present and shown in Figure 1; see column 4, lines 22-29] or the floppy disk control circuitry inherently necessary for writing to a floppy disk), the camera comprising:

an imaging part provided with an imaging optical system (taking lens 10) and an imaging device (imaging frame 19a or the image sensor inherently present in an electronic still camera); and

a principal subject position recorder (bar code recording head 18 or the floppy disk head inherently necessary for writing to a floppy disk) for recording, on the recording medium, principal subject positional information representing the position of the determined principal subject in the captured image (see column 8, lines 37-45, or, in the case of the electronic still camera, column 14, lines 19-21) when the captured image is recorded on the recording medium in accordance with the instruction from the recording instruction device (see column 9, lines 23-26), wherein a still image is recorded on the recording medium, with the

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positional information of the principal subject, after the principal subject is determined (as described in column 8, line 46, through column 9, line 26, the principal subject is determined when the shutter button is pressed halfway, followed by the actual image capture, which occurs when the shutter button is pressed fully).

Terashita '463 is silent with regard to including a display and a pointing device for use with the display.

Suzuki discloses:

- a display part (display device 6 shown in Drawing 1) for showing an image captured by the imaging part (see page 5, lines 18-20);

- a pointing device for controlling a pointer on the display part (touch panel 7; see page 5, lines 42-46);

- a positional information acquiring device (input position detector 24) for determining a portion of the display part pointed with the pointer (see page 5, lines 29-30);

When using a touch panel positioned over a display screen, a user may directly choose an area in a live image with his or her finger as opposed to using an indirect method of selection, such as moving the camera or using a joystick. This is advantageous because a more precise area may be defined by the user. For this reason, it would have been obvious at the time of invention to have Terashita's camera include a touch panel positioned over a display screen.

Although the camera disclosed in Terashita's '463 patent includes the capability of finding a principal subject (see column 8, lines 27-45, for example), both Terashita '463 and

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Suzuki are silent with regard to finding a principal subject in accordance with a determined touched portion.

Terashita '695 discloses an image capturing and reproducing device, including:

a principal subject determining device (microcomputer 43, shown generally in Figure 1 and in detail in Figure 3) for determining a principal subject (see column 7, lines 1-5) in the captured image shown on the display part in accordance with the determined pointed portion (the user touches a touch panel 80 [see Figure 8] covering a display of the captured image).

When using a touch panel positioned over a display screen, a user may directly choose an area in a live image with his or her finger as opposed to using an indirect method of selection, such as moving the camera or using a joystick. This is advantageous because a more precise area may be defined by the user. For this reason, it would have been obvious at the time of invention to have camera disclosed in Terashita '463 include a touch panel positioned over a display screen.

Regarding **claim 20**, Suzuki shows in Drawing 2 that points  $P_1$  and  $P_2$  may be selected by a user to designate an image area (page 6, lines 21-23).

Regarding **claim 21**, Terashita is silent with regard to placing a release and/or shutter button on a display.

Suzuki teaches that an execution button SW is shown on the display under touch panel 7 to execute an image capture operation (page 6, lines 24-29). The menus shown on the screen for use in conjunction with touch panel 7 include zoom buttons (page 6, lines 1-5).

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An advantage of using a touch screen to initiate recording is that it simplifies the user interface, allowing for the elimination of buttons when their presence is illogical or unavailable. For this reason, it would have been obvious at the time of invention to have the camera described by Nishimura include zoom and shutter buttons on the display for use in accordance with a touch panel.

Regarding **claim 28**, it is inherent (and logical) that if a determined touched portion is the principal subject, the lower right, lower left, upper right, and upper left areas of the touched portion — and all other areas of the touched portion — are the principal subject.

Regarding **claim 29**, as described in column 8, line 46, through column 9, line 26, of Terashita '463, the principal subject is determined when the shutter button is pressed halfway, followed by the actual image capture and storage of the principal subject, which occurs when the shutter button is pressed fully.

**Claims 36-38** may be treated like claim 1.

4. Claims 2, 7, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita in view of Suzuki and further in view of Terashita and Nishimura (U.S. Patent No. 5,412,487).

**Claims 2 and 7** may be treated like claims 1 and 6, respectively. However, Terashita '463, Suzuki, and Terashita '695 are all silent with regard to controlling exposure based on a determined principal subject.

Nishimura discloses a video camera (see Figure 5) that includes:

an exposure controller (control circuit 4) for controlling exposure in conformity with the determined principal subject (the exposure is controlled based on an object designated by the operator; see column 7, lines 3-25).

As stated in column 7, lines 23-25, an advantage of controlling exposure based on a designated principal subject is that optimum exposure control may be obtained. For this reason, it would have been obvious at the time of invention to have Terashita's ('463) camera control exposure based on a designated principal subject.

**Claims 24-27** may be treated like claim 1. However, Terashita '463, Suzuki, and Terashita '695 are all silent with regard to luminance or luminance and hue being used in conjunction with the touched portion to determine the principal subject.

Nishimura teaches that an area adjacent to a main object that has a range of luminance and hues near that of the main object can be accepted as part of the main object (column 8, line 54, through column 9, line 3).

As stated in column 3, lines 37-38, an advantage of including areas with pixels of a similar luminance and/or hue is that an entire object can be selected without error. For this reason, it would have been obvious at the time of invention to have Terashita's ('695) system include areas with pixels of a similar luminance and/or hue.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita in view of Suzuki and further in view of Terashita and Maurinus (U.S. Patent No. 6,222,646).

**Claim 4** may be treated like claim 1. However, Terashita '463, Suzuki, and Terashita '695 are all silent with regard to using a touch panel to request recording of a captured image.

Maurinus discloses an electronic photography system. When a captured image is displayed to a user on a touch screen CRT 58, the user may manipulate and select an image to be recorded on a magnetic or optical digital storage medium (column 3, lines 35-45).

The advantage of using a touch screen to initiate recording is that it simplifies the user interface, allowing for the elimination of a shutter button. For this reason, it would have been obvious for the systems described by Nishimura, Suzuki, and Zamir to record a captured image on a recording medium using a touch screen.

6. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita in view of Suzuki and further in view of Terashita and Zamir (U.S. Patent No. 6,300,955).

**Claims 5 and 11** may be treated like claims 1 and 6, respectively. However, Suzuki and Terashita '695 are silent with regard to including a frame detector to detect a closed figure and a frame display processor for displaying a closed figure.

Zamir discloses a method for generating a mask for an image. To carry out the method, Zamir discloses:

a frame detector (the computer used for carrying out the method) for detecting, with the positional information acquiring device, a closed figure from a track of the designated portion (see column 9, lines 47-52; additionally, it is inherent that since the process cannot begin without a closed curve, the system performs frame detection); and

a frame display processor (the computer used for carrying out the method) for displaying the closed figure on the display part (see Figure 2);

wherein the principal subject determining device determines an area inside the closed figure on the captured image as the principal subject (see column 10, lines 29-32).

An advantage of detecting a frame drawn by a user is that an exact area may be specified, thus allowing the system to accurately select an image area in accordance with the user's wishes. An advantage of displaying a frame showing a user's selection is that the user may verify that the area was selected accurately. For these reasons, it would have been obvious at the time of invention to have Terashita's ('695) invention include a frame detector and a frame display processor.

7. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita in view of Suzuki and further in view of Terashita and Shiota (U.S. Patent No. 6,011,547).

**Claims 9 and 16** may be treated like claims 6 and 1, respectively. However, Terashita '463 is silent with regard to using a display with an image processor for correcting image tone.

Shiota discloses an image reproduction system. Images captured by digital camera 1 are transferred via image server 2 to image reproducing apparatus 3. The recorded information accompanying the images may include a designation of the main subject of the image (column 5, lines 1-7). The system also includes:

an image tone correcting device (set-up processing unit 11 in image reproducing apparatus 3; see column 5, lines 50-54) for performing a predetermined image tone correction for the principal subject (see column 2, lines 46-50) during reproduction of the recorded image (displayed on display interface



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13) in accordance with the recorded principal subject positional information (column 5, lines 1-7).

An advantage of having a display process color tone correction is that the colors may be corrected based on the display's color reproduction characteristics, resulting in a better-adjusted display image. For this reason, it would have been obvious to have the camera described by Terashita perform color correction in a connected display rather than in the camera.

8. Claims 10, 14, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita in view of Suzuki and further in view of Terashita, Hirose (U.S. Patent No. 5,838,371), and Nishimura.

**Claims 10, 14, 15, and 18** may be treated like claims 6, 13, 1, and 1, respectively. However, Terashita '463 is silent with regard to expanding and reducing an image about a reference point.

Hirose discloses a camera with variable zoom magnification, including:

an image processor (field memory 25, writing address generating circuit 30, and reading address generating circuit 31) for expanding and reducing the captured image (a captured image stored in field memory 25 may be reduced in addition to being enlarged) about a reference point (since a reduced image is comprised of the entire subject presented in an original image plus empty space surrounding it, it is inherent that image reduction occurs about *any and all* reference points in a captured image).

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An advantage of performing image enlargement and reduction is that the user is given the flexibility to highlight and reveal details about a subject, which increases the creative flexibility available to a user. For this reason, it would have been obvious at the time of invention to have Terashita's camera perform image enlargement and reduction on its display.

Hirose is silent with regard to zooming around a designated point.

Nishimura discloses a video camera (see Figure 5) in which zooming may be performed based on the extracted portion of the video signal (column 16, lines 35-38).

An advantage of performing zooming around a specific point is that the user is given the flexibility to highlight and reveal details about a chosen subject. For this reason, it would have been obvious at the time of invention to have Hirose's system perform zooming around a designated main subject.

9. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita in view of Suzuki and further in view of Terashita, Zamir, and Nishimura.

**Claim 12** may be treated like claim 11. However, Terashita '463, Suzuki, Terashita '695, and Zamir are all silent with regard to storing a template and combining the template with a captured image.

Nishimura discloses:

a template image storage part (included in mixing circuit 803) for containing a template image (see Figure 16) to be composed with the captured image; and

an image composition processor (included in mixing circuit 803) for composing the template image retrieved from the template image storage part and the area inside the frame indicated with the closed figure on the captured image (see column 14, lines 33-45).

An advantage of including a template image storage part and an image composition processor is that a user is offered flexibility in composing images. For this reason, it would have been obvious at the time of invention to have Terashita's camera include a template image storage part and an image composition processor.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Terashita in view of Suzuki and further in view of Terashita, Shiota, Hirose, and Nishimura.

**Claim 17** may be treated like claim 16. However, Terashita '463 is silent with regard to expanding and reducing an image about a reference point.

Hirose discloses a camera with variable zoom magnification, including:

an image processor (field memory 25, writing address generating circuit 30, and reading address generating circuit 31) for expanding and reducing the captured image (a captured image stored in field memory 25 may be reduced in addition to being enlarged) about a reference point (since a reduced image is comprised of the entire subject presented in an original image plus empty space surrounding it, it is inherent that image reduction occurs about *any and all* reference points in a captured image).

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An advantage of performing image enlargement and reduction is that the user is given the flexibility to highlight and reveal details about a subject, which increases the creative flexibility available to a user. For this reason, it would have been obvious at the time of invention to have Terashita's camera perform image enlargement and reduction on its display.

Hirose is silent with regard to zooming around a designated point.

Nishimura discloses a video camera (see Figure 5) in which zooming may be performed based on the extracted portion of the video signal (column 16, lines 35-38).

An advantage of performing zooming around a specific point is that the user is given the flexibility to highlight and reveal details about a chosen subject. For this reason, it would have been obvious at the time of invention to have Hirose's system perform zooming around a designated main subject.

11. Claims 22 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over over Terashita in view of Suzuki and further in view of Terashita and Yamamoto (U.S. Patent No. 6,040,825).

**Claim 22** may be treated like claim 1. However, Suzuki is silent with regard to having the touched area (of the two defined areas) used as the principal subject.

Yamamoto discloses, as shown in Figure 2, a touch panel 5 used with image input means 2, such as an optical sensor (column 8, lines 11-19). A user may select one of a plurality of image areas by touching the center portion of the image area (column 16, lines 25-27 and 62-66).

An advantage of selecting an image area by touching the center portion of the image is that an operator need not be precise about touching a specific point. This increases ease of use.

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For this reason, it would have been obvious at the time of invention to have Suzuki's touch panel be capable of selecting an image area by touching the center of the area.

**Claim 23** may be treated like claim 1. However, Suzuki is silent with regard to having the touched area (of the two defined areas) and surrounding area used as the principal subject.

Yamamoto discloses, as shown in Figure 2, a touch panel 5 used with image input means 2, such as an optical sensor (column 8, lines 11-19). A user may select one of a plurality of image areas by touching the center portion of the image area (column 16, lines 25-27 and 62-66). As shown in Figure 10, image areas are defined according to a set boundary.

An advantage of selecting an image area by touching the center portion of the image is that an operator need not be precise about touching a specific point. This increases ease of use. For this reason, it would have been obvious at the time of invention to have Suzuki's touch panel be capable of selecting an image area and its surroundings by touching the center of the area.

#### ***Allowable Subject Matter***

12. Claims 30-33 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding each of these claims, no prior art could be located that teaches or fairly suggests a camera with a plurality of subjects designated on a display part by a touchscreen, wherein photometry values are determined with respect to the areas.

***Conclusion***

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran, can be reached at (571) 272-7382. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

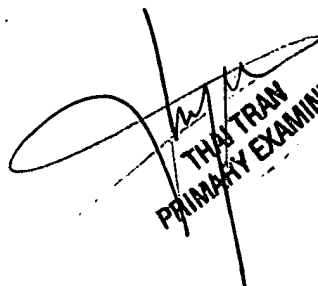
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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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July 6, 2005

  
THANH TRAN  
PRIMARY EXAMINER